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| 10/699,439 | 10/30/2003 | Gerald Popek | U000-P03142US | 3270 |
| 33356 7590 06/29/2009 SoCal IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362 | | | | |
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| TIV, BACKHEAN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 6/9/09 have been fully considered but they are not persuasive.

The applicant argues in substance,

a) Motivation to combine, that the examiner has misunderstood the claims, therefore the motivation to combine is faulty,

In reply to a); The examiner has followed the guideline set forth in MPEP 2141 and in particular section III. Rationales to Support Rejections Under 35 U.S.C 103 and has provided a Prima Facie case of Obviousness, MPEP 2142.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

MPEP 2143 states, The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s)

why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

Bond was used to teach forwarding the response to the requester when the status code is not actionable. Therefore in this case, one ordinary skill in the art would have been motivated to combine the teachings of Marmigere, Kausik, and Bond, in order to inform a user that certain request can not be carried out, e.g. Forbidden webpages.

b) Claims 1,2,4,6,10-12,31,32,37,39,40-42,45,46,51,53-56, has an improper rejection,

In reply to b); Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The applicant has not provided evidence that Marmigere in view of Kausik in view of Bond does not teach as per claims 1,2,4,6,10-12,31,32,37,39,40-42,45,46,51,53-56.

c) Bond does not teach, "forwarding the response to the requester when the status code is not actionable",

In reply to c); Bond, col.4, lines 48-col.5, lines 64, col.11, lines 41-53 teaches status code is a 3-digit integer that has the similarities used in HTTP environment, such as requesting web objects. Codes 405-513, are non-actionable codes, and sending a message to the caller's SIP UA.

d) page 19 states that checking to see whether an expiration date is exhausted inherently checks/determines whether the expiration is present does not apply to claim 15,

In reply to d); The examiner argument in the Final Office Action does apply to claim 15, since claim 15 does recite native expiration.

e) Marmigere in view of Kausik in view of Bond does not teach, "reviewing the response to determine whether the response includes a native expiration",

In reply to e); Marmigere, para.0047 and 0049, teaches "the proxy cache server processes the request and finds the object in it's cache but the expiration date is exhausted", the applicant argues that checking to see whether a native expiration exists is different from checking whether an expiration date is present. The Office agrees that checking whether the expiration date is exhausted and checking whether an expiration date is present is different, however if Marmigere's system checks to see if an expiration date is exhausted then it inherently checks/determines to see whether the expiration date is present before it can determine whether an expiration date is exhausted.

Furthermore, Kausik, col.5, lines 1-45, teaches a validation of whether an object has expired or not; a determination of whether an object has expiration.

f) Marmigere in view of Kausik in view of Bond does not teach, "evaluating whether the response has a status code that is actionable",

In reply to f); The applicant's specification, para.0046, describes an actionable status code as a list which may signify OK, no modified, no changes made, and others. Marmigere, Fig.9, clearly shows actionable status codes, e.g. 200, 304, 301 which

signify, OK, Not modified, Redirect, respectively. Therefore, Marmigere teaches actionable status code as described by the specification. Furthermore, Fig.9, teaches for each actionable status code there is a relevant action to be taken, for instance, a "not modified" status code is to "replace expiration_date" action. Therefore teaches, "evaluating whether the response has a status code that is actionable".

g) Marmigere in view of Kausik in view of Bond does not teach, "calculating a calculated expiration for the response",

h) Marmigere in view of Kausik in view of Bond does not teach, "inserting the calculated expiration into the response creating an amended response",

In reply to g) and h); Marmigere, para.0049, teaches, "new expiration date", therefore teaches calculating/computing an expiration, and teaches sending the new version of the object to the client device with the new expiration date and new signature, therefore teaches "inserting the calculated expiration into the response creating an amended response".

Furthermore, Kausik, col.5, lines 15-45 teaches creating a modified header for object with an expiry date sufficiently far in the future and sending modified web document to the user which includes the modified header.

i) Marmigere in view of Kausik in view of Bond does not teach, "providing the amended response to other requesters that request the requested object, the providing achieved without additional communication with the server".

In reply to i); The Office interprets the server as the web content server and not the proxy cache server. Marmigere, para.0043 teaches once the proxy cache server

gets the object with the expiration date in the header from the web content server then stores it on the proxy cache; when there is a request for the same object from the same device or another device, the proxy cache does not need to go to the web content server, instead it can send the object to the requestor, therefore teaches "providing the amended response to other requestors that request the requested objects, the providing achieved without additional communication with the server".

jj) Marmigere in view of Kausik in view of Bond does not teach, "when the response does not include the native expiration",

In reply to jj); Kausik, col.5, lines 10-30, teaches that there is a request for a web document in which within the web documents are embedded objects. For these embedding objects, a modified header is created in which an expiry date is added to it, therefore teaches "when the response does not include the native expiration".

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451